

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5894

Nicole M. Norris (SBN 222785)  
WINSTON & STRAWN LLP  
101 California Street, Suite 3900  
San Francisco, CA 94111-5894  
Telephone: 415-591-1000  
Facsimile: 415-591-1400  
Email: nnorris@winston.com

James F. Hurst (*Admitted Pro Hac Vice*)  
David J. Doyle (*Admitted Pro Hac Vice*)  
Samuel S. Park (*Admitted Pro Hac Vice*)  
WINSTON & STRAWN LLP  
35 W. Wacker Drive  
Chicago, IL 60601-9703  
Telephone: 312-558-5600  
Facsimile: 312-558-5700  
Email: jhurst@winston.com; ddoyle@winston.com;  
spark@winston.com

Charles B. Klein (*Admitted Pro Hac Vice*)  
WINSTON & STRAWN LLP  
1700 K Street, N.W.  
Washington, D.C. 20007  
Telephone: 202-282-5000  
Facsimile: 202-282-5100  
Email: cklein@winston.com

Attorneys for Defendant  
ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

MEIJER, INC. & MEIJER DISTRIBUTION,  
INC., on behalf of themselves and all others  
similarly situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

[caption continues next page]

**No. C 07-5985 CW**

*Related Per November 30, 2007 Order to  
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK  
PURSUANT TO CIV. L.R. 79-5(D)**

Date: March 6, 2008  
Time: 2:00 p.m.  
Courtroom: 2 (4th Floor)  
Judge: Hon. Claudia Wilken

ROCHESTER DRUG CO-OPERATIVE, INC.,  
on behalf of itself and all others similarly  
situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

**No. C 07-6010 CW**

*Related Per December 3, 2007 Order to  
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK  
PURSUANT TO CIV. L.R. 79-5(D)**

LOUISIANA WHOLESALE DRUG  
COMPANY, INC., on behalf of itself and all  
others similarly situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

**No. C 07-6118 CW**

*Related Per December 10, 2007 Order to  
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK  
PURSUANT TO CIV. L.R. 79-5(D)**

SMITHKLINE BEECHAM CORPORATION,  
d/b/a GLAXOSMITHKLINE,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

**Case No. C 07-5702 CW**

*Related Per November 19, 2007 Order to  
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK  
PURSUANT TO CIV. L.R. 79-5(D)**

SAFEWAY INC.; WALGREEN CO.;  
THE KROGER CO.; NEW ALBERTSON'S,  
INC.; AMERICAN SALES COMPANY, INC.;  
and HEB GROCERY COMPANY, LP,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

**No. C 07-5470 CW**

*Related Per October 31, 2007 Order to  
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK  
PURSUANT TO CIV. L.R. 79-5(D)**

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RITE AID CORPORATION; RITE AID  
HDQTRS, CORP.; JCG (PJC) USA, LLC;  
MAXI DRUG, INC. d/b/a BROOKS  
PHARMACY; ECKERD CORPORATION;  
CVS PHARMACY, INC.; and CAREMARK,  
L.L.C.,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

**No. C 07-6120 CW**

*Related Per December 5, 2007 Order to  
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK  
PURSUANT TO CIV. L.R. 79-5(D)**

Date: March 6, 2008  
Time: 2:00 p.m.  
Courtroom: 2 (4th Floor)  
Judge: Hon. Claudia Wilken

Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5894

1 I, Samuel S. Park, declare:

2 1. I am an attorney at law, admitted *pro hac vice* to practice in this Court for  
3 these matters. I am an associate with the law firm of Winston & Strawn LLP, counsel of record for  
4 Abbott Laboratories (“Abbott”), and am authorized to make this Declaration in that capacity.

5 2. I submit this Declaration pursuant to Local Rule 79-5(d).

6 3. On February 14, 2008, Plaintiffs filed their Request For Judicial Notice In  
7 Support Of Their Opposition To Abbott’s Omnibus Motion To Dismiss. They filed Exhibit 1 of  
8 their Request for Judicial Notice, which consists of pages 1, 17-19, 27-31, and 98 of Rebuttal Expert  
9 Report of Joel W. Hay, Ph.D. (“Hay Rebuttal Report”), under seal. Abbott previously had  
10 designated these pages as highly confidential under the Court’s protective order.

11 4. By letter dated February 21, 2008, Abbott withdrew its confidentiality  
12 designations for the pages 1, 17-19, 27-30, and 98 of Rebuttal Expert Report of Joel W. Hay, Ph.D.

13 5. Page 31, ¶ 45, of Hay Rebuttal Report, however, contains confidential  
14 business information related to negotiated royalty rates paid by various licensees to Abbott in return  
15 for the license regarding Abbott’s Norvir patents. In recognition of the fact that this information is  
16 competitively sensitive, Abbott and its licensees included confidentiality provisions in the license  
17 agreements protecting the disclosure of the royalty rates.

18 6. This Court previously has concluded that Abbott’s license agreement with one  
19 of its licensees, GSK, was protected from public disclosure. “The agreement contains confidential  
20 information related to negotiated terms and royalty rates. Abbott has filed a declaration establishing  
21 that this information is a trade secret which, if made public, could damage Abbott’s ability to  
22 compete in the market. Additionally, there is no particular public interest in having access to this  
23 specific information. Accordingly, the Court finds that a compelling interest exists to file this  
24 exhibit under seal.” (2/5/08 Order, Docket No. 45, 07-cv-05702-CW).

25 7. To preserve the confidentiality asserted by both Abbott and its licensees and  
26 also consistent with this Court’s 2/5/08 Order, Abbott has redacted a part of the Hay Rebuttal  
27 Report, Page 31, ¶ 45, from public disclosure.

